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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

28 + 14
References

Application Number

09/927,422

Filing Date

August 10, 2001

First Named Inventor

Gary VAN NEST

Art Unit

1645

Examiner Name

N. Minnifield

Attorney Docket Number

377882001420

ENCLOSURES (Check all that apply)☒ Fee Transmittal Form + duplicate
for fee processing - 2 pages☐ Fee Attached☒ Amendment/Reply - 13 pages☒ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request - 1
page☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority
Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication
to TC☐ Appeal Communication to Board of
Appeals and Interferences☒ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
- 1 page☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
Identify below):Communication - 2 pages
Form PTO/SB08a/b + copy

- 4 pages

14 References

Dictionary definitions - 4 pages
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

MORRISON & FOERSTER LLP (Customer No. 25226)

Signature

Printed name

Terri Shieh-Newton

Date

September 7, 2006

Reg. No.

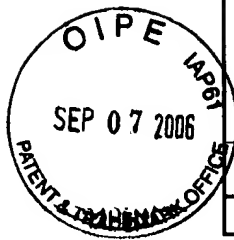
47,081

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 595537100 US, on the date shown below in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 7, 2006

Signature:

(Rosemarie Puljic-Salmeron)



Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2006		Application Number	09/927,422
		Filing Date	August 10, 2001
		First Named Inventor	Gary VAN NEST
		Examiner Name	N. Minnifield
		Art Unit	1645
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	377882001420
TOTAL AMOUNT OF PAYMENT		(\$)	760.00

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims							
81 - 124 = 0 x 25.00 = 0.00							
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims							
3 - 4 = 0 x 100.00 = 0.00							
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)	
- 100 =		/50	(round up to a whole number) x			0.00	
4. OTHER FEE(S)							Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2401 Notice of appeal							250.00
2253 Extension for response within third month							510.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	47,081
Name (Print/Type)	Terri Shieh-Newton	Telephone	(650) 813-5777
		Date	September 7, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 595537100 US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 7, 2006

Signature:

(Rosemarie Puljic Salmeron)

Docket No.: 377882001420
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gary VAN NEST et al.

Application No.: 09/927,422

Confirmation No.: 6952

Filed: August 10, 2001

Art Unit: 1645

For: BIODEGRADABLE
IMMUNOMODULATORY FORMULATIONS
AND METHODS FOR USE THEREOF

Examiner: N. Minnifield

COMMUNICATION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Applicants submit for consideration in the above-identified application the references listed on the attached Form PTO/SB/08a/b. Confirmation of successful receipt of this communication would be greatly appreciated. The Examiner is respectfully requested to make these documents of record.

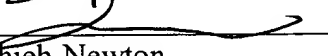
The Applicants understand that the Examiner is under no obligation to review the submitted references, however, the Applicants would greatly appreciate review of the cited references by the Examiner. Although a fee transmittal is not included in this submission, should the Examiner be willing to make the enclosed references of record and feels that a fee is due under 37 CFR § 1.17 (p)), the Applicants authorize such payment using the deposit account information listed below.

REMARKS

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **377882001420**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 7, 2006

Respectfully submitted,

By 
Terri Shieh-Newton
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